

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Frank P. Harvey & Sons, Inc.,)	
)	
Plaintiff-Appellant)	
)	
v.)	Case No. 04-40228-FDS
)	04-40229
Commissioner of the Internal Revenue Service,)	04-40230
)	
Defendant-Appellee)	

**JOINT SCHEDULING CONFERENCE STATEMENT
PURSUANT TO LOCAL RULE 16.1(d)**

The parties, through undersigned counsel submit this Joint Statement in accordance with local rule 16.1(d).

Joint Discovery Plan

1. **Initial Disclosures.** The parties will make all disclosures required by Fed. R. Civ. P. 26(a)(1) not later than April 22, 2005.
2. **Amendments to Pleadings.** All motions to add new parties or amend the pleadings shall be made not later than April 29, 2005.
3. **Fact Discovery - Interim Deadlines.**
 - a. All requests for production of documents and interrogatories will be served by June 1, 2005.
 - b. All requests for admission will be served by July 8, 2005.
 - c. All depositions will be completed by July 29, 2005.
 - d. All discovery will be completed by August 11, 2005.

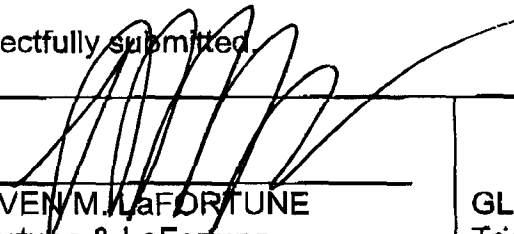
Dispositive Motions Schedule

4. Dispositive motions will be filed not later than September 16, 2005.
5. Oppositions to dispositive motions will be filed not later than 21 days after service of the motion.

Certifications Pursuant To Local Rule 16.1(d)(3)

The parties will separately file the certifications required pursuant to Local Rule 16.1(d)(3).

Respectfully submitted,


STEVEN M. LaFORTUNE
LaFortune & LaFortune
89 Main Street
Andover, MA 01810
978-475-6177

COUNSEL FOR THE PLAINTIFF
FRANCIS HARVEY & SONS, INC.

GLENN J. MELCHER
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 55
Washington, DC 20044
Telephone: (202) 307-6573
Facsimile: (202) 514-5238
Glenn.J.Melcher@usdoj.gov

COUNSEL FOR THE DEFENDANT
UNITED STATES OF AMERICA

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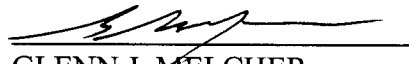
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